

### REMARKS

This paper is responsive to the Final Office Action dated May 14, 2008. All rejections and objections of the Examiner are respectfully traversed. Reconsideration is respectfully requested.

The Examiner rejected claims 1-22 under 35 U.S.C. 102(c) for anticipation by United States patent application publication number 2001/0029526 ("Yokoyama"). Applicant respectfully traverses this rejection.

Yokoyama discloses traveling lists that are managed separately from agent programs. Traveling time is predicted by Yokoyama based on home terminal information at traveling destinations and information about programs to be executed at traveling destinations. The traveling destinations in Yokoyama are divided into multiple groups as needed and agent distribution is performed through these groups, to allow the time involved in traveling to be controlled.

A mobile agent execution state management program in Yokoyama monitors the traveling status of a mobile agent by referring to execution management data, which contains the execution state of a mobile agent. In cases such as when the mobile agent has not returned to a server from a number of home terminals significantly after a traveling limit time has passed, the Yokoyama server administrator is notified. A service schedule manager in Yokoyama refers to a service schedule, which contains the distribution schedule for services, and issues request events so that, for example, agents containing a particular service program are distributed at service distribution times.

Service program data is formed by Yokoyama from a set of service program-specific information, where there is one service program-specific information for each type of provided service. The service program-specific information of Yokoyama is formed from a service name, attributes (e.g., service provider name), an average execution time, an average memory usage, a service price, a distribution plan, a traveling limit time, and a program body data. The distribution plan of Yokoyama is used to determine if distribution times are to be strictly followed or if a certain amount of leeway should be given while keeping costs (e.g., communication fees) down.

The mobile agent execution state management data of Yokoyama is used to manage the execution state of a mobile agent that has been sent out from the server system. The Yokoyama agent execution state management data is formed from a mobile agent ID, a mobile agent state (e.g., traveling, traveling completed, fault processing), a list of service program names contained in the mobile agent, and traveling data. The traveling data in Yokoyama is formed from a traveling list, a send time, a scheduled end time, and an end time for the mobile agent, as well as fault data. The Yokoyama mobile agent distributor performs operations to manage the traveling state and fault state of a mobile agent based on mobile agent execution state management data.

When a fault message is sent from a home terminal in the Yokoyama system, a message processor uses the mobile agent execution state management data and the mobile agent identifier in the fault message to determine the mobile agent and the traveling list for which the fault is occurring. Using the traveling list, a fault avoidance traveling list, in which the faulty home terminal is removed from the list, is generated by Yokoyama and sent to the home terminal that sent the fault message.

Nowhere in Yokoyama is there disclosed or suggested any method for identifying an off-schedule software agent operating in a computer system, said method comprising:

*associating an entry time with said software agent entering a queue, wherein said queue is a run queue in which said software agent is stored by a manager process in said computer system until an executive process in said computer system is free to process said software agent;*

obtaining a clock signal associated with a clock time;  
comparing said entry time to said clock time to obtain a queue time for said software agent;  
comparing said queue time to a threshold limit; and  
identifying said software agent as said off-schedule software agent if said queue time exceeds said threshold time limit. (emphasis added)

as in the present independent claim 1. In contrast, Yokoyama is concerned with the travel time for a mobile agent to return to a server system after having traversed one or more remote home terminals. See Fig. 2 of Yokoyama, which illustrates how the Mobile Agent 210 is distributed from the server 100 by the distribution program 105 to a number of groups of home terminals. The traveling list 201 shown in Fig. 2 of Yokoyama is added to a mobile agent so that it can be read at each home terminal to determine the next destination of the mobile agent. Nothing in Yokoyama discloses or suggests the associating of an entry time with a software agent entering a queue, wherein the queue is a run queue in which the software agent is stored by a manager process in a computer system until an executive process in the computer system is free to process the software agent, as in the present independent claim 1.

Independent claim 12 also stands rejected under 35 U.S.C. 102 based on Yokoyama. From the discussion above with regard to independent claim 1, it should also be clear that Yokoyama does not disclose or suggest the present claim 12, which includes the feature of determining excessive queue times responsive to a run queue in which a plurality of software

agents are stored by a manager process in the computer system until executive processes in the computer system are free to process respective ones of the plurality of off-schedule software agents. Similarly, Yokoyama does not disclose or suggest the queue that is a run queue in which the software agent is stored by a manager process in the computer system until an executive process in the computer system is free to process the software agent of independent claim 18.

For the above reasons, Applicant respectfully urges that Yokoyama does not disclose or suggest all of the features of the present independent claims 1, 12 and 18. Accordingly, Yokoyama does not anticipate independent claims 1, 12 and 18 under 35 U.S.C. 102. As to the remaining claims, they each depend from claims 1, 12 and 18, and are respectfully believed to be patentable over Yokoyama for at least the same reasons.

Reconsideration of all pending claims is respectfully requested.

In this Amendment, Applicant has amended the independent claims to more precisely claim the invention. Applicant is not conceding that the subject matter encompassed by the unamended claims is not patentable. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by the unamended independent claims, in one or more continuing applications.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues requiring adverse action, it is respectfully requested that the Examiner telephone the undersigned Applicant's Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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